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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,328	02/28/2005	Wido Menhardt	86931SLP	3185
70523	7590	04/07/2008		
Carestream Health Inc, 150 Verona Street Rochester, NY 14608			EXAMINER TAYLOR, APRIL ALICIA	
			ART UNIT	PAPER NUMBER
			2887	
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			04/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,328	<b>Applicant(s)</b> MENHARDT ET AL.	
	<b>Examiner</b> APRIL A. TAYLOR	<b>Art Unit</b> 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/05</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Receipt is acknowledged of the Preliminary Amendment filed February 28, 2005.

### ***Claim Objections***

1. Claim 23 is objected to because of the following informalities: Substitute the term "direction" with the term -- detection -- (see line 7). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 and 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasano et al (US 6,198,837) (hereinafter Sasano).

Re claims 1-6: Sasano teaches a method for identifying a digitized X-ray film including at least one label, the method includes the steps of:

- obtaining a digital image of the label;
- digitally associating the digitized image of the label with the digitized X-ray film;
- displaying the digital image of the label thereby allowing a user to identify the digitized x-ray film;
- selecting the label to display the associated digitized X-ray film;

digitally enhancing the image of the label prior to displaying the image of the label, wherein the step of digitally enhancing includes removing textured background and increasing contrast between background and alpha-numeric characters in the image of the label (see col. 12, lines 6+); and

digitally associating the label with a corresponding image analysis result of the digitized X-ray film; wherein the image analysis is a Computer Aided Detection analysis. (See col. 10, line 21 to col. 11, line 39; col. 14, line 37 to col. 15, line 19)

Re claim 7: Sasano teaches wherein the image of the label is displayed simultaneously with the digitized X-ray film.

Re claim 8: Sasano teaches wherein the image of the label is displayed simultaneously with the image analysis result.

Re claim 9: Sasano teaches wherein the image of the label is displayed simultaneously with the image analysis result and the digitized X-ray film.

Re claims 10 and 11: Sasano teaches wherein the step of obtaining a digital image of the label comprises: (i) automatically determining position of the label on the film; and (ii) digitally extracting the image of the label (col. 15, line 35 to col. 16, line 48).

Re claim 12: Sasano teaches wherein the step of determining position is performed using a method selected from edge detection and texture segmentation (col. 15, line 35 to col. 16, line 48).

Re claim 13: Sasano teaches wherein the step of determining is performed by a user (col. 15, line 35 to col. 16, line 48).

Re claim 23: Sasano teaches a method for assigning a label detection application to a digital image the method comprising steps of: selecting a label acquisition model from a plurality of acquisition models based on at least one attribute of the digital label; and selecting a label detection application from a plurality of label detection applications using the selected acquisition model. (See col. 10, line 21 to col. 11, line 39; col. 14, line 37 to col. 15, line 19)

Re claims 24 and 25: Sasano teaches wherein the label is a sub-label; and wherein the sub-label includes a name of the patient (col. 14, lines 23-35).

Re claims 26: Sasano teaches wherein the digitized x-ray film is displayed simultaneously with the label, wherein the label and digitized x-ray film are visually associated (col. 14, line 37 to col. 15, line 19).

Re claims 27-30: Sasano teaches a system for identifying and retrieving digitized x-ray films having a label, the system includes:

- an x-ray film digitizer for generating a digital image of each x-ray film;
- means for determining a position of the label on the digital image of the x-ray film;
- means for digitally extracting an image of the label from the digital image of the x-ray film;
- means for digitally associating the image of the label with the digitized image of the x-ray film;
- means for displaying the label;

digitally associating the label with image analysis results of a corresponding digitized image of the x-ray film, wherein the image analysis is CAD analysis; and

means for analyzing the images of a plurality of labels. (See col. 10, line 21 to col. 11, line 39; col. 14, line 37 to col. 15, line 19)

Re claim 31: Sasano teaches means for displaying images of one or more labels, means for permitting a user to select one of the displayed labels, means for retrieving a digitized image of an x-ray film associated with the selected label and means for displaying the retrieved digitized images of the x-ray films for examination by the user. (See col. 10, line 21 to col. 11, line 39; col. 14, line 37 to col. 15, line 19)

#### ***Allowable Subject Matter***

4. Claims 14-22 are allowable over the prior art of record.
5. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 14-19: The prior art of record, taken alone or in combination, fail to teach or fairly suggest, in conjunction with other limitations in the claims, the step of displaying a plurality of labels each associated with a digitized x-ray film; and selecting a label from the plurality of labels to retrieve the digitized x-ray film.

Re claim 20-22: The prior art of record, taken alone or in combination, fail to teach or fairly suggest, in conjunction with other limitations in the claims, the step of analyzing images of a plurality of labels associated with respective digitized x-ray films;

identifying labels within the plurality of labels having a desired degree of correlation sufficient to indicate that the identified labels belong to the same case and/or patient; and digitally grouping digitized x-ray films corresponding to the identified labels.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Diano et al (US 6,556,698) discloses a method and system for associating exposed radiographic films with proper patient information.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to APRIL A. TAYLOR whose telephone number is (571)272-2403. The examiner can normally be reached on Monday - Friday from 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAT  
March 31, 2008

/Thien M. Le/  
Primary Examiner, Art Unit 2887